

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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MARIO PILLCO MOROCHO,  
ABDOULAYE FALL, DARLIN  
GUILLERMO, JUAN CARLOS ILLICACHI  
SHIGLA, DIEGO GALINO, SEGUNDO  
ARMIJOS, DIEGO ARMANDO GULLAN  
TIXI, MIGUEL LUCAS IXCUNA YAX,  
LLOYD WAFULA, CONROY DESMOND  
LEWIS, CARLOS MENJIVAR ROJAS,  
NUELSON GOMES, FLAVIO ANDRADE  
PRADO JUNIOR, JANITO DE CAVALHO,  
JOAO FERNANDEZ, AND MARCO  
BATTISTOTTI,

Plaintiffs,

v.

BRISTOL COUNTY SHERIFF'S OFFICE,  
SHERIFF THOMAS HODGSON, in his  
individual capacity, SUPERINTENDENT  
STEVEN SOUZA, in his individual  
capacity, TODD LYONS, in his individual  
capacity, THE UNITED STATES  
DEPARTMENT OF HOMELAND  
SECURITY, IMMIGRATION AND  
CUSTOMS ENFORCEMENT, THE UNITED  
STATES OF AMERICA, AND OFFICERS  
DOE #1-26 IN THEIR INDIVIDUAL  
CAPACITIES,

Defendants.

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CIVIL ACTION NO. 1:22-cv-10652-MPK

**DEFENDANTS BRISTOL COUNTY SHERIFF'S OFFICE, THOMAS HODGSON AND  
STEVEN SOUZA'S ANSWER TO FIRST AMENDED COMPLAINT WITH  
AFFIRMATIVE DEFENSES AND JURY DEMAND**

## **ANSWER**

Defendants Bristol County Sheriff's Office, former Sheriff Thomas Hodgson and Superintendent Steven Souza (hereinafter collectively the "Defendants"), hereby respond to the allegations of the plaintiffs' Complaint and Demand for Jury Trial, paragraph by paragraph, as follows.

### **INTRODUCTION**

Defendants make no response to the plaintiffs' unnumbered paragraphs and narrative stated under the heading "Introduction" because they are prefatory, argumentative, hyperbolic and general to a point of vagueness. This section contains allegations that are false and incapable of proof. The "Introduction" flouts Rule 8 in that it does not provide "a short and plain statement of the claim showing that the pleader is entitled to relief," and ignores Rule 10's mandate that "a party must state its claims in numbered paragraphs each limited as far as practicable to a single set of circumstances." Fed. R. Civ. P. 8, 10. To the extent that a further response may be required, Defendants deny all of plaintiffs' material allegations of wrongdoing and liability. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of the "Introduction," and so deny the same and leave the plaintiffs to their proof.

### **JURISDICTION AND VENUE**

1. Defendants do not respond to Paragraph 1 because it does not allege a material fact but rather states a conclusion of law to which no response is required. To the extent that a response is required, Defendants leave the plaintiffs to their proof.

2. Defendants do not respond to Paragraph 2 because it does not allege a material fact but rather states a conclusion of law to which no response is required. To the extent that a response is required, Defendants leave the plaintiffs to their proof.

PARTIES

*Plaintiffs*

3. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 3, and so deny the same and leave the plaintiffs to their proof.

4. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 4, and so deny the same and leave the plaintiffs to their proof.

5. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 5, and so deny the same and leave the plaintiffs to their proof.

6. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 6, and so deny the same and leave the plaintiffs to their proof.

7. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 7, and so deny the same and leave the plaintiffs to their proof.

8. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 8, and so deny the same and leave the plaintiffs to their proof.

9. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 9, and so deny the same and leave the plaintiffs to their proof.

10. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 10, and so deny the same and leave the plaintiffs to their proof.

11. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 11, and so deny the same and leave the plaintiffs to their proof.

12. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 12, and so deny the same and leave the plaintiffs to their proof.

13. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 13, and so deny the same and leave the plaintiffs to their proof.

14. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 14, and so deny the same and leave the plaintiffs to their proof.

15. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 15, and so deny the same and leave the plaintiffs to their proof.

16. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 16, and so deny the same and leave the plaintiffs to their proof.

17. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 17, and so deny the same and leave the plaintiffs to their proof.

18. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 18, and so deny the same and leave the plaintiffs to their proof.

19. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 19, and so deny the same and leave the plaintiffs to their proof.

20. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 20, and so deny the same and leave the plaintiffs to their proof.

*Defendants*

21. Defendants admit only that Bristol County Sheriff's Office ("BCSO") formerly was a party to an intergovernmental services agreement ("IGSA") with United States Immigration and Customs Enforcement ("ICE"). Defendants further state that the IGSA speaks for itself.

22. Defendants admit only that Thomas M. Hodgson formerly served as the Bristol County Sheriff in and after 1997, and further that he was last elected to office in 2016. Defendants

make no response to the remainder of Paragraph 22 because it does not allege a material fact but rather states a conclusion of law to which no response is required.

23. Defendants admit only that Steven J. Souza formerly served as the Superintendent of BCHOC. Defendants make no response to the remainder of Paragraph 27 because it does not allege a material fact but rather states a conclusion of law to which no response is required.

24. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 24, and so deny the same and leave the plaintiffs to their proof.

25. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 25, and so deny the same and leave the plaintiffs to their proof.

26. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 26, and so deny the same and leave the plaintiffs to their proof.

#### FACTUAL ALLEGATIONS

##### Plaintiffs are Detained in the Bristol County House of Corrections

27. Denied in the express terms alleged. Defendants admit only that BCSO operated a campus in Dartmouth, Massachusetts on which the Sheriff's Headquarters and administrative offices, training facilities and the BCHOC, among other buildings and structures are located. To the extent that a further response is required, Defendants leave the plaintiffs to their proof.

28. Denied in the express terms alleged. Defendants admit only that in 2020, persons detained following an arrest and persons detained at the request of ICE were held in separate areas of BCHOC according to their reason for detention. To the extent that a further response is required, Defendants leave the plaintiffs to their proof.

29. Denied in the express terms alleged. Defendants admit only that BCHOC contained housing units, including several special management units where some detainees were housed

apart from detainees housed in general population housing units. To the extent that a further response is required, Defendants leave the plaintiffs to their proof.

30. Defendants admit that on May 1, 2020, persons being detained at BCHOC at the request or direction of ICE were held in Unit B. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 34, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Fall

31. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 31, and so deny the same and leave the plaintiffs to their proof.

32. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 32, and so deny the same and leave the plaintiffs to their proof.

33. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 33, and so deny the same and leave the plaintiffs to their proof.

34. Defendants admit only that plaintiff Fall was held in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 34, and so deny the same and leave the plaintiffs to their proof.

35. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 35, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Guillermo

36. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 36 and so deny the same and leave the plaintiffs to their proof.

37. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 37, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Diego Galindo

38. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 38, and so deny the same and leave the plaintiffs to their proof.

39. Defendants admit only that plaintiff Diego Galindo was in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 39, and so deny the same and leave the plaintiffs to their proof.

40. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 40, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Shigla

41. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 41, and so deny the same and leave the plaintiffs to their proof.

42. Defendants admit only that plaintiff Shigla was in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants

lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 42, and so deny the same and leave the plaintiffs to their proof.

43. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 43, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Armijos

44. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 44, and so deny the same and leave the plaintiffs to their proof.

45. Defendants admit only that plaintiff Armijos was in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 45, and so deny the same and leave the plaintiffs to their proof.

46. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 46. and so deny the same and leave the plaintiffs to their proof.

Plaintiff Guallan Tixi

47. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 47, and so deny the same and leave the plaintiffs to their proof.

48. Defendants admit only that plaintiff Guallan Tixi was in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants



lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 48, and so deny the same and leave the plaintiffs to their proof.

49. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 49, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Lucas

50. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 50, and so deny the same and leave the plaintiffs to their proof.

51. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 51, and so deny the same and leave the plaintiffs to their proof.

52. Defendants admit only that plaintiff Lucas was in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 52, and so deny the same and leave the plaintiffs to their proof.

53. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 53, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Wafula

54. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 54, and so deny the same and leave the plaintiffs to their proof.

55. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 55, and so deny the same and leave the plaintiffs to their proof.

56. Defendants admit only that plaintiff Wafula was held in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 56, and so deny the same and leave the plaintiffs to their proof.

57. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 57, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Lewis

58. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 58, and so deny the same and leave the plaintiffs to their proof.

59. Defendants admit only that plaintiff Lewis was held in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 59, and so deny the same and leave the plaintiffs to their proof.

60. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 60, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Menjivar Rojas

61. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 61, and so deny the same and leave the plaintiffs to their proof.

62. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 62, and so deny the same and leave the plaintiffs to their proof.

63. Defendants admit only that plaintiff Menjivar Rojas was in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 63, and so deny the same and leave the plaintiffs to their proof.

64. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 64, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Pillco Morocho

65. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 65, and so deny the same and leave the plaintiffs to their proof.

66. Defendants admit only that plaintiff Pillco Morocho was in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 66, and so deny the same and leave the plaintiffs to their proof.

67. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge

and information upon which to form a belief as to the remaining allegations of Paragraph 67, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Gomes

68. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 68 and so deny the same and leave the plaintiffs to their proof.

Plaintiff Da Graca

69. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 69, and so deny the same and leave the plaintiffs to their proof.

70. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 70, and so deny the same and leave the plaintiffs to their proof.

71. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 71, and so deny the same and leave the plaintiffs to their proof.

Plaintiff DeCarvalho

72. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 72, and so deny the same and leave the plaintiffs to their proof.

73. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 73, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Prado

74. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 74, and so deny the same and leave the plaintiffs to their proof.

75. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 75, and so deny the same and leave the plaintiffs to their proof.

76. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 76, and so deny the same and leave the plaintiffs to their proof.

77. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 77, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Joao Fernandez

78. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 78, and so deny the same and leave the plaintiffs to their proof.

79. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 79, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Mario Battistotti

80. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 80, and so deny the same and leave the plaintiffs to their proof.

81. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 81, and so deny the same and leave the plaintiffs to their proof.

82. Defendants admit only that plaintiff Mario Battistotti was held in Unit B on May 1, 2020. Defendants deny that the May 1 incident occurred as the plaintiffs allege that it did. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 82, and so deny the same and leave the plaintiffs to their proof.

83. Denied in the express terms alleged, as the plaintiffs' use of the word "attack" to describe the May 1 incident is inaccurate and argumentative. Defendants lack sufficient knowledge

and information upon which to form a belief as to the remaining allegations of Paragraph 83, and so deny the same and leave the plaintiffs to their proof.

People Detained at Bristol County House of Corrections were at a Known Elevated Risk of COVID-19 Transmission, Infection and Illness.

84. Denied in the express terms alleged. Defendants admit only that the COVID-19 virus is contagious, and further that it caused the deaths of some who contracted it. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 84, and so deny the same and leave the plaintiffs to their proof.

85. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 85, and so deny the same and leave the plaintiffs to their proof.

86. Denied in the express terms alleged. Defendants admit only that some persons who COVID-19 virus experience life threatening symptoms. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 86, and so deny the same and leave the plaintiffs to their proof.

87. Denied in the express terms alleged. Defendants admit only that some persons who COVID-19 virus experience some, all or none of the symptoms identified in this paragraph. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 87, and so deny the same and leave the plaintiffs to their proof.

88. Denied in the express terms alleged. Defendants admit only that some persons who contract the COVID-19 virus may experience long term symptoms. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 88, and so deny the same and leave the plaintiffs to their proof.

89. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 89, and so deny the same and leave the plaintiffs to their proof.

90. Denied in the express terms alleged. Defendants admit only that BCHOC is an environment where some people may live and sleep in close proximity to others and some may touch objects used by others. Defendants deny the remaining allegations of Paragraph 90.

91. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 91, and so deny the same and leave the plaintiffs to their proof.

Defendants Continuously Ignore Plaintiffs' Requests for Protection from COVID-19 and the Imminent Danger of Infection in their Facility.

92. Denied.

93. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 93, and so deny the same and leave the plaintiffs to their proof.

94. Admitted.

95. Denied.

96. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 96, and so deny the same and leave the plaintiffs to their proof.

97. Denied.

98. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 98, and so deny the same and leave the plaintiffs to their proof.

99. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 99, and so deny the same and leave the plaintiffs to their proof.

100. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 100, and so deny the same and leave the plaintiffs to their proof.

101. Denied.

102. Denied.

As a Result of the Dangerous Conditions at BCHOC During the COVID-19 Pandemic,  
Several Plaintiffs File Savino v. Souza in Court

103. Defendants admit only that on or about March 27, 2020, detainees filed a lawsuit captioned *Savino v. Souza*, Case No. 1:20-cv-10617-WGY in the United States District Court. Defendants deny that conditions at BCHOC were unsanitary and overcrowded and further deny that conditions at BCHOC resulted in the spread of COVID-19 and/or deaths of any detainees.

104. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 104, and so deny the same and leave the plaintiffs to their proof.

105. Defendants make no response to Paragraph 105 because the *Savino* Complaint speaks for itself. To the extent that a further response is requested, Defendants leave the plaintiff to their proof.

106. Defendants make no response to Paragraph 106 because the list to which this Paragraph refers speaks for itself. To the extent that a further response is requested, Defendants leave the plaintiff to their proof.

107. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 107, and so deny the same and leave the plaintiffs to their proof.

108. Defendants make no response to Paragraph 108 because the Order to which this Paragraph refers speaks for itself. To the extent that a further response is requested, Defendants leave the plaintiff to their proof.

109. Defendants make no response to Paragraph 109 because the Order to which this Paragraph refers speaks for itself. To the extent that a further response is requested, Defendants leave the plaintiffs to their proof.



110. Defendants make no response to Paragraph 110 because the Order to which this Paragraph refers speaks for itself. To the extent that a further response is requested, Defendants leave the plaintiffs to their proof.

111. Defendants make no response to Paragraph 111 because the Order to which this Paragraph refers speaks for itself. To the extent that a further response is requested, Defendants leave the plaintiffs to their proof.

112. Defendants make no response to Paragraph 112 because the Order to which this Paragraph refers speaks for itself. To the extent that a further response is requested, Defendants leave the plaintiffs to their proof.

113. Defendants make no response to Paragraph 113 because the Order to which this Paragraph refers speaks for itself. To the extent that a further response is requested, Defendants leave the plaintiffs to their proof.

114. Defendants make no response to Paragraph 114 because the Order to which this Paragraph refers speaks for itself. To the extent that a further response is requested, Defendants leave the plaintiffs to their proof.

115. Defendants make no response to Paragraph 115 because the Order to which this Paragraph refers speaks for itself. To the extent that a further response is requested, Defendants leave the plaintiffs to their proof.

116. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 116, and so deny the same and leave the plaintiffs to their proof.

117. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 117, and so deny the same and leave the plaintiffs to their proof.

118. Denied.

119. Denied.

120. Denied.

121. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 121, and so deny the same and leave the plaintiffs to their proof.

122. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 122, and so deny the same and leave the plaintiffs to their proof.

123. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 123, and so deny the same and leave the plaintiffs to their proof.

124. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 124, and so deny the same and leave the plaintiffs to their proof.

125. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 125, and so deny the same and leave the plaintiffs to their proof.

126. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 126, and so deny the same and leave the plaintiffs to their proof

127. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 127, and so deny the same and leave the plaintiffs to their proof.

128. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 128, and so deny the same and leave the plaintiffs to their proof.

129. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 129, and so deny the same and leave the plaintiffs to their proof.

On May 1, 2020, Officers at BCHOC Used Pepper Spray, Attack Dogs  
and Excessive Force Against All Plaintiffs Detained in Unit B.

130. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 130, and so deny the same and leave the plaintiffs to their proof.

131. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 131, and so deny the same and leave the plaintiffs to their proof.

132. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 132, and so deny the same and leave the plaintiffs to their proof.

133. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 133, and so deny the same and leave the plaintiffs to their proof.

134. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 134, and so deny the same and leave the plaintiffs to their proof.

135. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 135, and so deny the same and leave the plaintiffs to their proof.

136. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 136, and so deny the same and leave the plaintiffs to their proof.

137. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 137, and so deny the same and leave the plaintiffs to their proof.

138. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 138, and so deny the same and leave the plaintiffs to their proof.

139. Denied.

140. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 140, and so deny the same and leave the plaintiffs to their proof.

141. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 141, and so deny the same and leave the plaintiffs to their proof.

142. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 142, and so deny the same and leave the plaintiffs to their proof.

143. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 143, and so deny the same and leave the plaintiffs to their proof.

144. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 144, and so deny the same and leave the plaintiffs to their proof.

145. Denied.

146. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 146, and so deny the same and leave the plaintiffs to their proof.

147. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 147, and so deny the same and leave the plaintiffs to their proof.

148. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 148, and so deny the same and leave the plaintiffs to their proof.

149. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 149, and so deny the same and leave the plaintiffs to their proof.

150. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 150, and so deny the same and leave the plaintiffs to their proof.

151. Denied.

152. Denied.

153. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 153, and so deny the same and leave the plaintiffs to their proof.

154. Denied.

155. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 155, and so deny the same and leave the plaintiffs to their proof.

156. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 156, and so deny the same and leave the plaintiffs to their proof.

157. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 157, and so deny the same and leave the plaintiffs to their proof.

158. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 158, and so deny the same and leave the plaintiffs to their proof.

159. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 159, and so deny the same and leave the plaintiffs to their proof.

160. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 160, and so deny the same and leave the plaintiffs to their proof.

161. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 161 and so deny the same and leave the plaintiffs to their proof.

162. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 162, and so deny the same and leave the plaintiffs to their proof.

163. Denied.

164. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 164, and so deny the same and leave the plaintiffs to their proof.

165. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 165, and so deny the same and leave the plaintiffs to their proof.

166. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 166, and so deny the same and leave the plaintiffs to their proof.

167. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 167, and so deny the same and leave the plaintiffs to their proof.

168. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 168, and so deny the same and leave the plaintiffs to their proof.

169. Denied that Plaintiff Rojas was sprayed in the face for approximately 30-40 seconds. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 169, and so deny the same and leave the plaintiffs to their proof.

170. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 170, and so deny the same and leave the plaintiffs to their proof.

171. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 171, and so deny the same and leave the plaintiffs to their proof.

172. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 172, and so deny the same and leave the plaintiffs to their proof.

173. Denied.

174. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 174, and so deny the same and leave the plaintiffs to their proof.

175. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 175, and so deny the same and leave the plaintiffs to their proof.

176. Denied.

177. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 177, and so deny the same and leave the plaintiffs to their proof.

178. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 178, and so deny the same and leave the plaintiffs to their proof.

179. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 179, and so deny the same and leave the plaintiffs to their proof.

180. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 180, and so deny the same and leave the plaintiffs to their proof.

181. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 181, and so deny the same and leave the plaintiffs to their proof.

182. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 182, and so deny the same and leave the plaintiffs to their proof.

183. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 183, and so deny the same and leave the plaintiffs to their proof.

184. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 184, and so deny the same and leave the plaintiffs to their proof.

185. Denied.

186. Denied.

187. Denied.

188. Denied.

189. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 189, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Fall's Experience.

190. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 190, and so deny the same and leave the plaintiffs to their proof.

191. Denied.

192. Denied.

193. Denied.

194. Denied.

195. Denied.

196. Denied.

197. Denied.

198. Denied.

Plaintiff Galindo's Experience

199. Denied.

200. Denied.

Plaintiff Shigla's Experience

201. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 201, and so deny the same and leave the plaintiffs to their proof.

202. Denied.

203. Denied.

Plaintiff Armijo's Experience

204. Denied.

205. Denied.

206. Denied.

Plaintiff Guallan Tixi's Experience

207. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 207, and so deny the same and leave the plaintiffs to their proof.

208. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 208, and so deny the same and leave the plaintiffs to their proof.



209. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 209, and so deny the same and leave the plaintiffs to their proof.

210. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 210, and so deny the same and leave the plaintiffs to their proof.

211. Denied.

212. Denied.

213. Denied.

214. Defendants lack sufficient knowledge and information upon which to form a belief as to what Guallan Tixi claims to have seen, and so deny the same and leave the plaintiffs to their proof. Defendants deny all of the remaining allegations of this Paragraph.

Plaintiff Lucas's Experience.

215. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 215, and so deny the same and leave the plaintiffs to their proof

216. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 216, and so deny the same and leave the plaintiffs to their proof

217. Denied.

218. Denied.

219. Denied.

220. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 220, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Wafula's Experience

221. Denied.

222. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 222, and so deny the same and leave the plaintiffs to their proof.

223. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 223, and so deny the same and leave the plaintiffs to their proof.

224. Denied.

225. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 225, and so deny the same and leave the plaintiffs to their proof.

226. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 226, and so deny the same and leave the plaintiffs to their proof.

227. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 227, and so deny the same and leave the plaintiffs to their proof.

228. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 228, and so deny the same and leave the plaintiffs to their proof.

229. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 229, and so deny the same and leave the plaintiffs to their proof.

230. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 230, and so deny the same and leave the plaintiffs to their proof.

231. Denied.

232. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 232, and so deny the same and leave the plaintiffs to their proof.

233. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 233, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Lewis' Experience.

234. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 234, and so deny the same and leave the plaintiffs to their proof

235. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 235, and so deny the same and leave the plaintiffs to their proof

236. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 236, and so deny the same and leave the plaintiffs to their proof

237. Denied.

238. Denied.

239. Denied.

240. Denied.

241. Denied.

242. Denied.

243. Denied.

244. Denied.

245. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 245, and so deny the same and leave the plaintiffs to their proof.

246. Denied.

247. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 247, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Menjivar Rojas' Experience

248. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 248, and so deny the same and leave the plaintiffs to their proof

249. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 249 and so deny the same and leave the plaintiffs to their proof.

250. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 250, and so deny the same and leave the plaintiffs to their proof.

251. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 251, and so deny the same and leave the plaintiffs to their proof.

252. Denied.

253. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 253, and so deny the same and leave the plaintiffs to their proof.

254. Denied.

255. Denied.

256. Denied.

257. Denied.

258. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 258, and so deny the same and leave the plaintiffs to their proof.

259. Denied.

Plaintiff Pillco Morocho's Experience

260. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 260, and so deny the same and leave the plaintiffs to their proof

261. Denied.

262. Denied.

263. Denied.

264. Denied.

265. Denied that “tear gas” was used. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 265, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Prado’s Experience

266. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 266, and so deny the same and leave the plaintiffs to their proof

267. Denied.

268. Denied.

269. Denied.

270. Denied.

271. Denied.

272. Denied.

273. Denied

274. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 274, and so deny the same and leave the plaintiffs to their proof.

275. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 275, and so deny the same and leave the plaintiffs to their proof.

276. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 276, and so deny the same and leave the plaintiffs to their proof.

277. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 277, and so deny the same and leave the plaintiffs to their proof.

278. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 278, and so deny the same and leave the plaintiffs to their proof.

279. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 279, and so deny the same and leave the plaintiffs to their proof.

280. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 280, and so deny the same and leave the plaintiffs to their proof.

281. Admitted.

Plaintiff Battistotti's Experience

282. Denied.

283. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 283, and so deny the same and leave the plaintiffs to their proof.

284. Denied

285. Denied.

286. Denied.

287. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 287, and so deny the same and leave the plaintiffs to their proof.

288. Denied.

289. Denied.

290. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 290, and so deny the same and leave the plaintiffs to their proof.

291. Denied.

292. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 292, and so deny the same and leave the plaintiffs to their proof.

293. Denied.

294. Denied.

295. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 295, and so deny the same and leave the plaintiffs to their proof.

296. Denied.

297. Denied.

298. Denied.

299. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 299, and so deny the same and leave the plaintiffs to their proof.

Injuries and Aftermath from May 1, 2020 Incident

Plaintiff Fall

300. Denied.

301. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 301, and so deny the same and leave the plaintiffs to their proof.

302. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 302, and so deny the same and leave the plaintiffs to their proof.

303. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 303, and so deny the same and leave the plaintiffs to their proof.

304. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 304, and so deny the same and leave the plaintiffs to their proof.

305. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 305, and so deny the same and leave the plaintiffs to their proof.

306. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 306, and so deny the same and leave the plaintiffs to their proof.

307. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 307, and so deny the same and leave the plaintiffs to their proof.

308. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 308, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Guillermo

309. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 309, and so deny the same and leave the plaintiffs to their proof.

310. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 310, and so deny the same and leave the plaintiffs to their proof.

311. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 311, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Galindo

312. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 312, and so deny the same and leave the plaintiffs to their proof.

313. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 313, and so deny the same and leave the plaintiffs to their proof.

314. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 314, and so deny the same and leave the plaintiffs to their proof.

315. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 315, and so deny the same and leave the plaintiffs to their proof.

316. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 316, and so deny the same and leave the plaintiffs to their proof.



317. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 317, and so deny the same and leave the plaintiffs to their proof.

318. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 318, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Shigla

319. Denied.

320. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 320, and so deny the same and leave the plaintiffs to their proof.

321. Denied.

322. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 322, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Armijos

323. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 323, and so deny the same and leave the plaintiffs to their proof.

324. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 324, and so deny the same and leave the plaintiffs to their proof.

325. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 325, and so deny the same and leave the plaintiffs to their proof.

326. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 326, and so deny the same and leave the plaintiffs to their proof.

327. Denied.

328. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 328, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Guallan-Tixi

329. Denied that this Plaintiff was “attacked.” Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 329, and so deny the same and leave the plaintiffs to their proof.

330. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 330, and so deny the same and leave the plaintiffs to their proof.

331. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 331, and so deny the same and leave the plaintiffs to their proof.

332. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 332, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Lucas

333. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 333, and so deny the same and leave the plaintiffs to their proof.

334. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 334, and so deny the same and leave the plaintiffs to their proof.

335. Denied.

336. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 336, and so deny the same and leave the plaintiffs to their proof.

337. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 337, and so deny the same and leave the plaintiffs to their proof.

338. Denied.

339. Denied.

Plaintiff Wafula

340. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 340, and so deny the same and leave the plaintiffs to their proof.

341. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 341, and so deny the same and leave the plaintiffs to their proof.

342. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 342, and so deny the same and leave the plaintiffs to their proof.

343. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 343, and so deny the same and leave the plaintiffs to their proof.

344. Denied.

345. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 345, and so deny the same and leave the plaintiffs to their proof.

346. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 346, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Lewis

347. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 347, and so deny the same and leave the plaintiffs to their proof.

348. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 348, and so deny the same and leave the plaintiffs to their proof.

349. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 349, and so deny the same and leave the plaintiffs to their proof.

350. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 350, and so deny the same and leave the plaintiffs to their proof.

351. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 351, and so deny the same and leave the plaintiffs to their proof.

352. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 352, and so deny the same and leave the plaintiffs to their proof.

353. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 353, and so deny the same and leave the plaintiffs to their proof.

354. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 354, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Menjivar Rojas

355. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 355, and so deny the same and leave the plaintiffs to their proof.

356. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 356, and so deny the same and leave the plaintiffs to their proof.

357. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 357, and so deny the same and leave the plaintiffs to their proof.

358. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 358, and so deny the same and leave the plaintiffs to their proof.

359. Denied.

360. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 360, and so deny the same and leave the plaintiffs to their proof.

361. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 361, and so deny the same and leave the plaintiffs to their proof.

362. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 362, and so deny the same and leave the plaintiffs to their proof.

363. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 363, and so deny the same and leave the plaintiffs to their proof.

364. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 364, and so deny the same and leave the plaintiffs to their proof.

365. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 365, and so deny the same and leave the plaintiffs to their proof.

366. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 366, and so deny the same and leave the plaintiffs to their proof.

367. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 367, and so deny the same and leave the plaintiffs to their proof.

368. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 368, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Pillco Morocho

369. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 369, and so deny the same and leave the plaintiffs to their proof.

370. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 370, and so deny the same and leave the plaintiffs to their proof.

Plaintiff DaGraca

371. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 371, and so deny the same and leave the plaintiffs to their proof.

372. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 372, and so deny the same and leave the plaintiffs to their proof.

373. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 373, and so deny the same and leave the plaintiffs to their proof.

374. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 374, and so deny the same and leave the plaintiffs to their proof.

375. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 375, and so deny the same and leave the plaintiffs to their proof.

376. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 376, and so deny the same and leave the plaintiffs to their proof.

Plaintiff De Carvalho

377. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 377, and so deny the same and leave the plaintiffs to their proof.

378. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 378, and so deny the same and leave the plaintiffs to their proof.

379. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 379, and so deny the same and leave the plaintiffs to their proof.

380. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 380, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Prado

381. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 381, and so deny the same and leave the plaintiffs to their proof.

382. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 382, and so deny the same and leave the plaintiffs to their proof.

383. Denied.

384. Denied.

385. Denied.

386. Denied.

387. Denied.

388. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 388, and so deny the same and leave the plaintiffs to their proof.

389. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 389, and so deny the same and leave the plaintiffs to their proof.

390. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 390, and so deny the same and leave the plaintiffs to their proof.

391. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 391, and so deny the same and leave the plaintiffs to their proof

392. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 392, and so deny the same and leave the plaintiffs to their proof

393. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 393, and so deny the same and leave the plaintiffs to their proof

394. Denied that corrections officers tightened his hand cuffs and threatened him with more jail time. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 394, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Battistotti

395. Denied that corrections officers assaulted this plaintiff. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 395, and so deny the same and leave the plaintiffs to their proof.

396. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 396, and so deny the same and leave the plaintiffs to their proof.

397. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 397, and so deny the same and leave the plaintiffs to their proof.

398. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 398, and so deny the same and leave the plaintiffs to their proof.

399. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 399, and so deny the same and leave the plaintiffs to their proof.

400. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 400, and so deny the same and leave the plaintiffs to their proof.

401. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 401, and so deny the same and leave the plaintiffs to their proof.

402. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 402, and so deny the same and leave the plaintiffs to their proof.

403. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 403, and so deny the same and leave the plaintiffs to their proof.

404. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 404, and so deny the same and leave the plaintiffs to their proof.



405. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 405, and so deny the same and leave the plaintiffs to their proof.

406. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 406, and so deny the same and leave the plaintiffs to their proof.

407. Denied.

The Massachusetts Attorney General Office Conducts Their Own Investigation and Finds that Detainees Rights were Violated, Resulting in the Closing of BCHOC's Immigration Units.

408. Denied in the express terms alleged. Defendants admit only that BCSO opened an investigation concerning the May 1, 2020 incident. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 408, and so deny the same and leave the plaintiffs to their proof.

409. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 409, and so deny the same and leave the plaintiffs to their proof.

410. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 410, and so deny the same and leave the plaintiffs to their proof.

411. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 411, and so deny the same and leave the plaintiffs to their proof.

412. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 412, and so deny the same and leave the plaintiffs to their proof.

413. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 413, and so deny the same and leave the plaintiffs to their proof.

414. Denied in the express terms alleged. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 414, and so deny the same and leave the plaintiffs to their proof.

415. Denied in the express terms alleged. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 415, and so deny the same and leave the plaintiffs to their proof.

416. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 416, and so deny the same and leave the plaintiffs to their proof.

417. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 417, and so deny the same and leave the plaintiffs to their proof.

418. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 418, and so deny the same and leave the plaintiffs to their proof.

419. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 419, and so deny the same and leave the plaintiffs to their proof.

420. Denied in the express terms alleged. Defendants admit only that the United States government took custody of detainees held at BCHOC and removed them from BCHOC. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 420, and so deny the same and leave the plaintiffs to their proof.

#### Continuing Harm Suffered by Plaintiffs

##### Plaintiff Fall

421. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 421, and so deny the same and leave the plaintiffs to their proof.

422. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 422, and so deny the same and leave the plaintiffs to their proof.

423. Denied that corrections officers attacked this plaintiff. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 423, and so deny the same and leave the plaintiffs to their proof.

424. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 424, and so deny the same and leave the plaintiffs to their proof.

425. Denied that corrections officers assaulted this plaintiff of ground his/their knee into this plaintiff's calf. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 425, and so deny the same and leave the plaintiffs to their proof.

426. Denied.

427. Denied that corrections officers attacked this plaintiff. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 427, and so deny the same and leave the plaintiffs to their proof.

428. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 428, and so deny the same and leave the plaintiffs to their proof.

429. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 429, and so deny the same and leave the plaintiffs to their proof.

430. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 430, and so deny the same and leave the plaintiffs to their proof.

431. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 431, and so deny the same and leave the plaintiffs to their proof.

432. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 432, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Guillermo

433. Denied that corrections officers attacked this plaintiff. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 433, and so deny the same and leave the plaintiffs to their proof.

434. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 434, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Gallindo

435. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 435, and so deny the same and leave the plaintiffs to their proof.

436. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 436, and so deny the same and leave the plaintiffs to their proof.

437. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 437, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Shigla

438. Denied that corrections officers attacked this plaintiff. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 438, and so deny the same and leave the plaintiffs to their proof.

439. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 439, and so deny the same and leave the plaintiffs to their proof.

440. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 440, and so deny the same and leave the plaintiffs to their proof.

441. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 441, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Armijos

442. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 442, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Guallan Tixi

443. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 443, and so deny the same and leave the plaintiffs to their proof.

444. Defendants deny that portion of Paragraph 444 that asserts that Plaintiff Guallan Tixi was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 444, and so deny the same and leave the plaintiffs to their proof.

445. Defendants deny that portion of Paragraph 445 that asserts that Plaintiff Guallan Tixi was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 445, and so deny the same and leave the plaintiffs to their proof.

446. Defendants deny that portion of Paragraph 446 that asserts that Plaintiff Guallan Tixi was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 446, and so deny the same and leave the plaintiffs to their proof.

447. Defendants deny that portion of Paragraph 447 that asserts that Plaintiff Guallan Tixi was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 447, and so deny the same and leave the plaintiffs to their proof.

448. Defendants deny that portion of Paragraph 448 that asserts that Plaintiff Guallan Tixi saw “the Sheriff shooting everyone” or shooting anyone. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 448, and so deny the same and leave the plaintiffs to their proof.

449. Defendants deny that portion of Paragraph 449 that asserts that Plaintiff Guallan Tixi was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 449, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Lucas

450. Defendants deny that portion of Paragraph 450 that asserts that Plaintiff Lucas was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 450, and so deny the same and leave the plaintiffs to their proof.

451. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 451, and so deny the same and leave the plaintiffs to their proof.

452. Defendants deny that portion of Paragraph 452 that asserts that Plaintiff Lucas was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 452, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Wafula

453. Denied.

454. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 454, and so deny the same and leave the plaintiffs to their proof.

455. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 455, and so deny the same and leave the plaintiffs to their proof.

456. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 456, and so deny the same and leave the plaintiffs to their proof.

457. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 457, and so deny the same and leave the plaintiffs to their proof.

458. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 458, and so deny the same and leave the plaintiffs to their proof.

459. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 459, and so deny the same and leave the plaintiffs to their proof.

460. Defendants deny that portion of Paragraph 460 that asserts that Plaintiff Wafula was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 460, and so deny the same and leave the plaintiffs to their proof.

461. Denied.

462. Defendants deny that portion of Paragraph 462 that asserts that Plaintiff Wafula was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 462, and so deny the same and leave the plaintiffs to their proof.

463. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 463, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Lewis

464. Denied.

465. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 465, and so deny the same and leave the plaintiffs to their proof.

466. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 466, and so deny the same and leave the plaintiffs to their proof.

467. Defendants deny that portion of Paragraph 467 that asserts that Plaintiff Lewis was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 467, and so deny the same and leave the plaintiffs to their proof.

468. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 468, and so deny the same and leave the plaintiffs to their proof.

469. Defendants deny that portion of Paragraph 469 that asserts that Plaintiff Lewis was “assaulted” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 469, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Menjivar Rojas

470. Defendants deny that portion of Paragraph 470 that asserts that Plaintiff Menjivar Rojas was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 470, and so deny the same and leave the plaintiffs to their proof.

471. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 471, and so deny the same and leave the plaintiffs to their proof.

472. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 472, and so deny the same and leave the plaintiffs to their proof.



473. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 473, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Pillco Morocho

474. Defendants deny that portion of Paragraph 474 that asserts that Plaintiff Pillco Morocho was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 474, and so deny the same and leave the plaintiffs to their proof.

475. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 475, and so deny the same and leave the plaintiffs to their proof.

476. Denied.

477. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 477, and so deny the same and leave the plaintiffs to their proof.

478. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 478, and so deny the same and leave the plaintiffs to their proof.

479. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 479, and so deny the same and leave the plaintiffs to their proof.

480. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 480, and so deny the same and leave the plaintiffs to their proof.

481. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 481, and so deny the same and leave the plaintiffs to their proof.

482. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 482, and so deny the same and leave the plaintiffs to their proof.

483. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 483, and so deny the same and leave the plaintiffs to their proof.

484. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 484, and so deny the same and leave the plaintiffs to their proof.

485. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 485, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Gomes

486. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 486, and so deny the same and leave the plaintiffs to their proof.

487. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 487, and so deny the same and leave the plaintiffs to their proof.

488. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 488, and so deny the same and leave the plaintiffs to their proof.

489. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 489, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Da Graca

490. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 490, and so deny the same and leave the plaintiffs to their proof.

491. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 491, and so deny the same and leave the plaintiffs to their proof.

492. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 492, and so deny the same and leave the plaintiffs to their proof.

493. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 493, and so deny the same and leave the plaintiffs to their proof.

494. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 494, and so deny the same and leave the plaintiffs to their proof.

495. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 495, and so deny the same and leave the plaintiffs to their proof.

496. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 496, and so deny the same and leave the plaintiffs to their proof.

497. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 497, and so deny the same and leave the plaintiffs to their proof.

498. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 498, and so deny the same and leave the plaintiffs to their proof.

Plaintiff De Carvalho

499. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 499, and so deny the same and leave the plaintiffs to their proof.

500. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 500, and so deny the same and leave the plaintiffs to their proof.

501. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 501, and so deny the same and leave the plaintiffs to their proof.

502. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 502, and so deny the same and leave the plaintiffs to their proof.

503. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 503, and so deny the same and leave the plaintiffs to their proof.

504. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 504, and so deny the same and leave the plaintiffs to their proof.

505. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 505, and so deny the same and leave the plaintiffs to their proof.

506. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 506, and so deny the same and leave the plaintiffs to their proof.

507. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 507, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Prado

508. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 508, and so deny the same and leave the plaintiffs to their proof.

509. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 509, and so deny the same and leave the plaintiffs to their proof.

510. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 510, and so deny the same and leave the plaintiffs to their proof.

511. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 511, and so deny the same and leave the plaintiffs to their proof.

512. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 512, and so deny the same and leave the plaintiffs to their proof.

513. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 513, and so deny the same and leave the plaintiffs to their proof.

514. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 514, and so deny the same and leave the plaintiffs to their proof.

515. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 515, and so deny the same and leave the plaintiffs to their proof.

516. Defendants deny that portion of Paragraph 516 that asserts that Plaintiff Prado was “attacked” by Defendants. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 516, and so deny the same and leave the plaintiffs to their proof.

517. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 517, and so deny the same and leave the plaintiffs to their proof.

518. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 518, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Fernandes

519. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 519, and so deny the same and leave the plaintiffs to their proof.

520. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 520, and so deny the same and leave the plaintiffs to their proof.

521. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 521, and so deny the same and leave the plaintiffs to their proof.

Plaintiff Battistotti

522. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 522, and so deny the same and leave the plaintiffs to their proof.

523. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 523, and so deny the same and leave the plaintiffs to their proof.

524. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 524, and so deny the same and leave the plaintiffs to their proof.

525. Defendants deny that portion of Paragraph 525 that asserts that Plaintiff Battistotti was “assaulted” by Defendant Hodgson. Defendants lack sufficient knowledge and information upon which to form a belief as to the remaining allegations of Paragraph 525, and so deny the same and leave the plaintiffs to their proof.

526. Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 526, and so deny the same and leave the plaintiffs to their proof.

#### CAUSES OF ACTION

**Count 1: Violation of Fifth Amendment Right to Due Process –  
Unlawful Punishment; Freedom from Cruel Treatment and Conditions of  
Confinement (42 U.S.C. §1983) All Plaintiffs Against Individual Capacity  
Defendants Sheriff Hodgson and Superintendent Souza**

537. [sic.] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 their response to Paragraph 537 as if fully set forth herein.

538. Defendants make no response to Paragraph 538 because it does not allege a material fact but rather consists whole of conclusions of law. To the extent that a response is required, Defendants deny the assertions of Paragraph 538 in the exact terms alleged and otherwise leave Plaintiffs to their proof.

539. Defendants make no response to Paragraph 539 because it does not allege a material fact but rather consists wholly of conclusions of law. To the extent that a response is required, Defendants deny the assertions of Paragraph 539.

540. Defendants object to Paragraph 540 because it attempts to inject the purported opinion(s) of unnamed “public health experts in correctional medical care and infectious disease” to unfairly bolster the dubious premise of this paragraph. To the extent that a response is required,

Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 540, and so deny the same and leave the plaintiffs to their proof.

541. Denied.

542. Denied.

543. Denied.

544. Denied.

545. Defendants make no response to Paragraph 545 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants lack sufficient knowledge and information upon which to form a belief as to the allegations of Paragraph 545, and so deny the same and leave the plaintiffs to their proof.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 2: Excessive Force Plaintiffs Fall, Galindo, Shigla, Armijos, Guallán Tixi, Lucas, Wafula, Lewis, Menjivar Rojas, Pillco Morocho, Prado, and Battistotti against Doe Officer #1 (42 U.S.C § 1983)**

537. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 545 their response to Paragraph 537 as if fully set forth herein.

538. Defendants make no response to Paragraph 538 because it does not allege a material fact but rather consists whole of conclusions of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

539. Denied.

540. Denied.

541. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 3: Excessive Force Plaintiffs Pillco Morocho and Prado  
against Doe Officer #2 (42 U.S.C § 1983)**

546. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 their response to Paragraph 546 as if fully set forth herein.

547. Defendants make no response to Paragraph 547 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

548. Denied.

549. Denied.

550. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 4: Excessive Force Plaintiff Fall against Does #3-5 (42 U.S.C § 1983)**

537. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 and Paragraphs 546 through 550 their response to Paragraph 546 as if fully set forth herein.



538. Defendants make no response to Paragraph 538 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

539. Denied.

540. Denied.

541. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 5: Excessive Force Plaintiff Galindo against Doe #6 (42 U.S.C § 1983)**

537. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2 and 4 and Paragraphs 546 through 550 their response to Paragraph 537 of Count 5 as if fully set forth herein.

538. Defendants make no response to Paragraph 538 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

539. Denied.

540. Denied.

541. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 6: Excessive Force Plaintiff Shigla against Does #7-8 (42 U.S.C § 1983)**

537. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4 and 5, and Paragraphs 546 through 550 their response to Paragraph 537 of Count 6 as if fully set forth herein.

538. Defendants make no response to Paragraph 538 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

539. Denied.

540. Denied.

541. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 7: Excessive Force Plaintiff Armijos against Does #9-10 (42 U.S.C § 1983)**

537. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4, 5 and 6, and Paragraphs 546 through 550 their response to Paragraph 537 of Count 7 as if fully set forth herein.

538. Defendants make no response to Paragraph 538 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

539. Denied.

540. Denied.

541. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 8: Excessive Force Plaintiff Guallan Tixi against Does #10-11 (42 U.S.C § 1983)**

542. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4, 5, 6 and 7, and Paragraphs 546 through 550 their response to Paragraph 542 of Count 8 as if fully set forth herein.

543. Defendants make no response to Paragraph 543 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

544. Denied.

545. Denied.

546. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 9: Excessive Force Plaintiff Guallan Tixi against Does #13-14 (42 U.S.C § 1983)**

547. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4, 5, 6 and 7, Paragraphs 546 through 550 and Paragraphs 542 through 546 of Count 8 their response to Paragraph 547 of Count 9 as if fully set forth herein.

548. Defendants make no response to Paragraph 548 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

549. Denied.

550. Denied.

551. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 10: Excessive Force Plaintiff Wafula against Does #16-17 (42 U.S.C § 1983)**

537. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4, 5, 6 and 7, Paragraphs 546 through 550, Paragraphs 542 through 546 of Count 8 and Paragraphs 547 through 551 of Count 9 their response to Paragraph 537 of Count 10 as if fully set forth herein.

538. Defendants make no response to Paragraph 538 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

539. Denied.

540. Denied.

541. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 11: Excessive Force Plaintiff Lewis against Does #18-19 (42 U.S.C § 1983)**

537. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4, 5, 6, 7 and 10, Paragraphs 546 through 550, Paragraphs 542 through 546 of Count 8 and Paragraphs 547 through 551 of Count 9 their response to Paragraph 537 of Count 11 as if fully set forth herein.

538. Defendants make no response to Paragraph 538 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

539. Denied.

540. Denied.

541. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 12: Excessive Force Plaintiff Menjivar Rojas against Does #20-21 (42 U.S.C § 1983)**

542. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4, 5, 6, 7, 10 and 11, Paragraphs 546 through 550, Paragraphs 542 through 546 of Count 8 and Paragraphs 547 through 551 of Count 9 their response to Paragraph 542 of Count 12 as if fully set forth herein.

543. Defendants make no response to Paragraph 543 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

544. Denied.

545. Denied.

546. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 13: Excessive Force Plaintiff Pillco Morocho Against Does #22-23 (42 U.S.C § 1983)**

537. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4, 5, 6, 7, 10 and 11, Paragraphs 546 through 550, Paragraphs 542 through 546 of Counts 8 and 12, and Paragraphs 547 through 551 of Count 9 their response to Paragraph 537 of Count 13 as if fully set forth herein.

538. Defendants make no response to Paragraph 538 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

539. Denied.

540. Denied.

541. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 14: Excessive Force Plaintiff Prado against Doe #24 (42 U.S.C § 1983)**

547. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4, 5, 6, 7, 10, 11 and 13,

Paragraphs 546 through 550, Paragraphs 542 through 546 of Counts 8 and 12, and Paragraphs 547 through 551 of Count 9 their response to Paragraph 547 of Count 14 as if fully set forth herein.

548. Defendants make no response to Paragraph 548 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

549. Denied.

550. Denied.

551. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 15: Excessive Force Plaintiff Battistotti Against Hodgson  
and Does #25-26 (42 U.S.C § 1983)**

537. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4, 5, 6, 7, 10, 11 and 13, Paragraphs 546 through 550, Paragraphs 542 through 546 of Counts 8 and 12, and Paragraphs 547 through 551 of Counts 9 and 14 their response to Paragraph 537 of Count 15 as if fully set forth herein.

538. Defendants make no response to Paragraph 538 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

539. Denied.

540. Denied.

541. Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

**Count 16: Violation of the Rehabilitation Act Plaintiffs Fall, Menjivar Rojas, Prado and Fernandes Against the Bristol County Sheriff's Office**

542. [sic] Defendants hereby incorporate and make their responses to Paragraphs 1 through 526 and their responses to Paragraphs 537 through 541 of Counts 2, 4, 5, 6, 7, 10, 11, 13 and 15, Paragraphs 546 through 550, Paragraphs 542 through 546 of Counts 8 and 12, and Paragraphs 547 through 551 of Counts 9 and 14 their response to Paragraph 542 of Count 16 as if fully set forth herein.

543. Defendants make no response to Paragraph 543 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

544. Defendants make no response to Paragraph 544 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

545. Defendants make no response to Paragraph 545 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

546. Denied.

547. Defendants make no response to Paragraph 547 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.



548. Defendants make no response to Paragraph 548 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

549. Defendants make no response to Paragraph 549 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

550. Defendants make no response to Paragraph 550 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Defendants leave Plaintiffs to their proof.

551. Denied.

552. Denied.

553. Denied.

554. Denied.

555. Defendants make no response to Paragraph 555 because it does not allege a material fact but rather consists wholly of a conclusion of law. To the extent that a response is required, Denied.

WHEREFORE, Defendants respectfully move the Court to dismiss Plaintiffs' claims, to afford Plaintiffs no relief, to award to Defendants their reasonable costs and fees and to award to Defendants such further and additional relief as the Court deems just and reasonable.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

The Amended Complaint does not state a claim against the Defendants upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

The Amended Complaint does not state a claim against Defendants upon which relief can be granted because Defendants are not liable to pay Plaintiffs any amount of damages alleged.

**THIRD AFFIRMATIVE DEFENSE**

If any Plaintiff suffered any harm or loss as alleged in the Amended Complaint, Plaintiff's harm or loss was caused by someone for whom Defendants are not legally responsible.

**FOURTH AFFIRMATIVE DEFENSE**

To the extent that any Plaintiff intends to state a claim for deprivation of his federal civil rights by reason of his conditions of confinement while incarcerated, his claim is barred by operation of the Prisoner Litigation Reform Act, 42 U.S.C., § 1997e.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail because they failed to exhaust available and adequate detainee, arrestee and prisoner grievance procedures concerning their conditions of confinement at Bristol County House of Correction before filing their lawsuit.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail because they failed to exhaust their administrative remedies before filing their lawsuit.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims asserting liability for purported deprivation of due process rights must fail because they have not demonstrated the absence or inadequacy of post deprivation remedies.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims asserting liability for purported deprivation of due process rights must fail because they have not demonstrated conduct that shocks the judicial conscience under the circumstances actually existing.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims asserting liability for purported deprivation of due process rights must fail because they cannot demonstrate conduct by the natural person defendants that shocks the judicial conscience based on the actions that actually took place under the circumstances actually existing.

**TENTH AFFIRMATIVE DEFENSE**

Count 16 of the Amended Complaint does not state a claim upon which relief can be granted because, among other reasons, none of the defendants is a federal agency and because detention is not a program as to which the Rehabilitation Act applies.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail because they failed to satisfy prerequisites to asserting the causes of action that they purport to assert in their Amended Complaint

**TWELFTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against the natural person, law enforcement defendants must fail because each individual defendant is entitled to qualified immunity under the circumstances alleged.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail because the corrections personnel acted reasonably in self-defense in their use of force concerning the plaintiffs at the date, time and place at issue.

**FOURTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail because the corrections personnel acted reasonably in defense of others in their use of force concerning the plaintiffs at the date, time and place at issue.

**FIFTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail because the corrections personnel acted reasonably in defense of property and premises in their use of force concerning the plaintiffs at the date, time and place at issue.

**SIXTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail because the corrections personnel acted reasonably in defense of property and premises in their use of force concerning the plaintiffs at the date, time and place at issue.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail because the corrections personnel acted reasonably in recapture of property and premises in their use of force concerning the plaintiffs at the date, time and place at issue.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail because their conduct was illegal at the date, time and place at issue.

**NINETEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail because they were *in pari delicto* with the defendants at the time and place at issue.

**TWENTIETH AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail by operation of the equitable doctrine of unclean hands.

**TWENTY-FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' claims must fail by operation of the equitable estoppel.

**TWENTY-SECOND AFFIRMATIVE DEFENSE**

Defendants were justified in their conduct in relation to each plaintiff and therefore cannot be liable to any plaintiff.

**TWENTY-THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' claims against individual law enforcement defendants must fail because the defendants acted under duress in emergent and dangerous circumstances.

**TWENTY-FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs fail to state a claim upon which relief can be granted against the natural person supervisory employees because no *respondeat superior* liability exists under the Federal Civil Rights Act, 42 U.S.C. § 1983.

**TWENTY-FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs fail to state a claim upon which relief can be granted against the Bristol County Sheriff's Office because no *respondeat superior* liability exists under the Federal Civil Rights Act, 42 U.S.C. § 1983.

**TWENTY-SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs fail to state a claim upon which relief can be granted against the natural person supervisory employees by reason of governmental immunity.

**TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs lack standing to assert the claims that they have pled in the Amended Complaint.

**TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the equitable doctrine of laches.

**TWENTY-NINTH AFFIRMATIVE DEFENSE**

Each Plaintiff failed to reasonably mitigate his damages and accordingly, his claim is barred, or his proven damages, if any, must be reduced accordingly to his failure to mitigate.

**THIRTIETH AFFIRMATIVE DEFENSE**

Defendants serve notice that they intend to rely upon such other and additional affirmative defenses that may become available or apparent to them during the discovery and proceedings in this case and reserve the right to amend their answer seasonably to assert any such defenses.

**DEMAND FOR JURY TRIAL**

Defendants demand a jury trial on all triable issues.

Respectfully submitted,

The Defendants,

**BRISTOL COUNTY SHERIFF'S OFFICE,  
SHERIFF THOMAS HODGSON (Retired) and  
SUPERINTENDENT STEVEN SOUZA,**

By their attorneys,

/s/ William P. Breen, Jr.

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Dated: March 25, 2024.

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those identified as non-registered participants on March 25, 2024.

/s/ William P. Breen, Jr.  
William P. Breen, Jr.